

CLERK'S OFFICE U.S. DIST. COURT  
AT LYNCHBURG, VA  
FILED  
2/3/2021  
JULIA C. DUDLEY, CLERK  
BY: s/ A. Little  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

CRYSTAL VL RIVERS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 6:18-cv-00061
	)	
GARY M. BOWMAN, <i>et al.</i> ,	)	By: Elizabeth K. Dillon
	)	United States District Judge
Defendants.	)	

**ORDER**

For the reasons stated in the accompanying memorandum opinion, it is hereby ORDERED as follows:

1. The objection filed by Serene Creek Run Association (Dkt. No. 499) is SUSTAINED;
2. The objection filed by Jennifer Baker, Travis Baker, Michael Bradbury, Michele Fluker, William Fluker, Barbara Frear, Howard Frear, Loren Friedman, Michael Friedman, Matthew Krycinski, Sarah Krycinski, Beth Rodger, and Richard Rodgers (collectively the Homeowners) (Dkt. No. 500) is SUSTAINED;
3. The Homeowners' motion for leave to file a supplemental objection (Dkt. No. 528) is GRANTED;
4. The objections filed by Mark Merrill, Old Dominion National Bank, and Kelly Potter (Dkt. No. 505) are OVERRULED;
5. The objections filed by plaintiff Crystal VL Rivers (Dkt. No. 507) are OVERRULED;
6. The R&R (Dkt. No. 497) is ADOPTED, with correction of a clerical error to clarify that Serene Creek Run Association is dismissed with prejudice;
7. Defendant Seth Twery's motion to dismiss (Dkt. No. 73) is GRANTED. Twery is DISMISSED WITH PREJUDICE from this action;
8. Defendant Homeowners' motion to dismiss (Dkt. No. 75) is GRANTED. The Homeowners

are DISMISSED WITH PREJUDICE from this action;

9. Defendant Serene Creek Run Association's motion to dismiss (Dkt. No. 78) is GRANTED. Serene Creek Run Association is DISMISSED WITH PREJUDICE from this action;

10. Defendant Lisa Schenkel's motion for summary judgment on the basis of res judicata (Dkt. No. 84) is GRANTED. The clerk of court is directed to enter judgment in favor of Schenkel. Schenkel's motions to dismiss (Dkt. Nos. 80, 82) are DENIED as moot;

11. Defendant Ted Counts Realty Group's (TCRG) motion for summary judgment (Dkt. No. 98) is GRANTED. The clerk of court is directed to enter judgment in favor of TCRG. TCRG's motion to dismiss (Dkt. No. 94) is DENIED as moot;

12. Defendants Ralph Beck and BBoys LLC's motion to dismiss (Dkt. No. 107) is GRANTED. Rivers' claims against these defendants are DISMISSED WITH PREJUDICE;

13. Defendants Mark Merrill and Old Dominion National Bank's (ODNB) motion to dismiss (Dkt. No. 113) is GRANTED. Merrill is DISMISSED WITH PREJUDICE from this action. Rivers' civil RICO claims against ODNB (counts 3 and 5) are DISMISSED WITH PREJUDICE.

14. Defendant David Edmundson's motion to dismiss (Dkt. No. 117) is GRANTED. David Edmundson is DISMISSED WITH PREJUDICE from this action;

15. Defendant Kelly Edmundson's motion to dismiss (Dkt. No. 119) is GRANTED. Kelly Edmundson is DISMISSED WITH PREJUDICE from this action;

16. Defendants Shana Beck Lester and Serenity Acres Farm's (SAF) motion to dismiss (Dkt. No. 135) is DENIED IN PART as to their jurisdictional argument under Rule 12(b)(1), GRANTED IN PART as to their argument that Rivers failed to state a claim under Rule 12(b)(6), and Rivers' state law claims against these defendants (counts 12, 16, 17) are DISMISSED WITH PREJUDICE;

17. Defendants Advantage Title & Closing (ATC), Matthew Fariss, and Jennifer Richardson's motion to dismiss (Dkt. No. 143) is GRANTED. Rivers' claims against these defendants are DISMISSED WITH PREJUDICE;

18. Defendant Mark Loftis' motion to dismiss (Dkt. No. 175) is GRANTED. Rivers' state law claim against Loftis (count 12) is DISMISSED WITHOUT PREJUDICE;

19. Defendant S&R Farm LLC's motion to dismiss (Dkt. No. 178) is GRANTED. Rivers' state law claim against S&R Farm is DISMISSED WITH PREJUDICE;

20. Defendant Kelly Potter's motion to dismiss (Dkt. No. 231) is GRANTED. Rivers' claims against Potter are DISMISSED WITH PREJUDICE;

21. Defendant Union Bank & Trust's motion to dismiss (Dkt. No. 241) is GRANTED. and Rivers' civil RICO claim (count 5) and state law fraud claim (count 12) against Union Bank are DISMISSED WITHOUT PREJUDICE;

22. Defendant Robert Beach's motion to dismiss (Dkt. No. 246) is GRANTED. Rivers' civil RICO claim against Beach (count 5) is DISMISSED WITHOUT PREJUDICE;

23. Defendant Select Bank and J. Michael Thomas' motion to dismiss (Dkt. No. 287) is GRANTED. Rivers' civil RICO claims against them (counts 3, 5) are DISMISSED WITHOUT PREJUDICE;

24. Defendant Northcreek Construction, Inc.'s counseled motion to dismiss (Dkt. No. 351) is GRANTED. Rivers' state law fraud claim against it (count 12) is DISMISSED WITHOUT PREJUDICE. The motion to dismiss filed by Northcreek's behalf by pro se defendant David Edmundson (Dkt. No. 121) is STRICKEN as procedurally improper;

25. Defendant Sameer Patel's motion to dismiss and for sanctions (Dkt. No. 370) is DENIED IN PART and GRANTED IN PART; his request for Rule 11 sanctions is DENIED WITHOUT PREJUDICE as procedurally improper; and Rivers' state law fraud claim against Patel (count 12) is DISMISSED WITHOUT PREJUDICE;

26. Rivers' motions to amend her complaint as to TCRG (Dkt. No. 163), ODNB and Merrill (Dkt. No. 187), Lester and SAF (Dkt. No. 192), ATC, Fariss, and Richardson (Dkt. No. 216), Margie Callahan (Dkt. No. 220), and Select Bank and Thomas (Dkt. No. 310) are DENIED WITHOUT

PREJUDICE;

27. Any request for attorney's fees or sanctions is DENIED WITHOUT PREJUDICE as procedurally improper; and

28. The Virginia State Police, Agent Bill Talbott, and Walter Mason are DISMISSED WITHOUT PREJUDICE under Rule 4(m) of the Federal Rules of Civil Procedure.

It is FURTHER ORDERED that:

29. The Memorandum of Lis Pendens recorded among the land records of Bedford County on May 30, 2018, as Instrument Number 180004869, is hereby RELEASED, which Memorandum of Lis Pendens lists as interested parties Travis and Jennifer Baker, Michael and Loren Friedman, Richard and Beth Rodgers, Matthew and Sarah Krycinski, American National Bank and Trust Company, Clement A. Wheatley, Michael Bradbury, Ralph Beck, Howard and Barbara Frear, William and Michelle Fluker, BBoyz LLC and Serenity Farm Acres LLC, The Riding Center, and The Farm Parcel;

30. The Amended Memorandum of Lis Pendens recorded among the land records of Bedford County on January 26, 2021, as Instrument Number 210001166, is hereby RELEASED, which Memorandum of Lis Pendens lists as interested parties Travis and Jennifer Baker, Michael and Loren Friedman, Richard and Beth Rodgers, Matthew and Sarah Krycinski, Michael Bradbury, Michael and Mary Bennett, Howard and Barbara Frear, William and Michelle Fluker, BBoyz LLC and Serenity Farm Acres LLC, 1650 Partners LLC/John and James Wynne, Ralph Beck and BboyzLLC and Henry and Helga Beck, and Christy West and Judy Wills;

31. The Clerk of the Circuit Court of Bedford County, Virginia, shall accept this Order, shall record it in the Bedford County's land records, and shall index and/or otherwise note this Order in the appropriate manner in the land records for the Circuit Court of Bedford County; and

The Clerk of this Court shall forward copies of this Order and accompanying Memorandum

Opinion to plaintiff, all counsel of record, and the Clerk of the Circuit Court of Bedford County,  
Virginia.

Entered: February 3, 2021.

*/s/ Elizabeth K. Dillon*

Elizabeth K. Dillon  
United States District Judge